**THE HON'BLE SRI JUSTICE BILAL NAZKI**

**AND**

**THE HON'BLE SRI JUSTICE G.CHANDRAIAH**

**WRIT PETITION NO.1200 OF 2006**

**Date: 14-03-2006**

Between:

M/s A.Subbaramaiah & Co …Petitioner

And

The Commercial Tax Officer

And others …Respondents

**THE HON'BLE SRI JUSTICE BILAL NAZKI**

**AND**

**THE HON'BLE SRI JUSTICE G.CHANDRAIAH**

**WRIT PETITION NO.1200 OF 2006**

**O R D E R (Per the Hon'ble Sri Bilal Nazki, J):**

Heard learned counsel for the parties.

The first grievance of the petitioner is that the respondents are taking coercive steps for recovery of the amount demanded pending disposal of the appeals by the Tribunal. This Court passed an order on 25-01-2006. It is stated that this order has already been complied with. Therefore, we direct that no coercive steps be taken against the petitioner till disposal of the appeals.

The second grievance of the petitioner is that by virtue of a notification issued by the Government, the petitioner is supposed to collect tax at the rate of 4 per cent on kerosene. The notification had been passed when the rate of tax under the Andhra Pradesh General Sales Tax Act, 1957 was 4 per cent. But, with effect from 01-04-1995, the rate of tax has been increased to 8 per cent. Therefore, the Department should make suitable amendments in the order, so that the petitioner is able to collect tax at the rate of 8 per cent, because, if he starts collecting tax at that per cent, he may lose the licence, but on the other hand, in terms of the amendment in law, he is supposed to collect and pay tax at the rate of 8 per cent. He further submits that he had made representations to respondent Nos.4 and 5, who have not yet disposed of those representations.

In this view of the matter, we direct respondent No.4 to consider the representation of the petitioner and pass appropriate orders, within two weeks from today.

The writ petition is accordingly disposed of. No order as to costs.

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(Bilal Nazki, J)

14th March, 2006

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(G.Chandraiah, J)

**Note**: Issue C.C in two days

B/o

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